

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**[1] BENIGNO HERNANDEZ-CLANDER,
[2] PEDRO HERNANDEZ-UBIERA,
[3] FRANCISCO MERCEDES,**

Defendants.

CRIMINAL NO. 12 - 433

VIOLATIONS:

21 U.S.C. § 846

18 U.S.C. § 2

FORFEITURE:

21 U.S.C. § 853

INDICTMENT

THE GRAND JURY CHARGES:

COUNT ONE

**Conspiracy to Possess with Intent to Distribute Controlled Substances
21 U.S.C. § 846**

Beginning on a date unknown to the Grand Jury, and continuing to on or about May 3, 2012, in the District of Puerto Rico, and within the Jurisdiction of this Court, the defendants,

**[1] BENIGNO HERNANDEZ-CLANDER,
[2] PEDRO HERNANDEZ-UBIERA,
[3] FRANCISCO MERCEDES,**

knowingly and intentionally combined, conspired, confederated and agreed with each other to commit the following offense against the United States: to possess with the intent to distribute 5 kilograms or more of a mixture and substance containing cocaine, a Schedule II narcotic controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

COUNT TWO

**Attempt to Possess with the Intent to Distribute Controlled Substances
21 U.S.C. § 846**

On May 3, 2012, in the District of Puerto Rico, and within the Jurisdiction of this Court,
the defendants,

**[1] BENIGNO HERNANDEZ-CLANDER,
[2] PEDRO HERNANDEZ-UBIERA,
[3] FRANCISCO MERCEDES,**

aiding and abetting each other, knowingly and intentionally attempted to possess with intent to
distribute 5 kilograms or more of a mixture and substance containing a detectable amount of
cocaine, a Schedule II narcotic controlled substance.

All in violation of Title 21, United States Code, Section 846 and Title 18, United States
Code, Section 2.

FORFEITURE ALLEGATION
21 U.S.C. § 853

The allegations contained in Count One of this Indictment are hereby realleged and
~~incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, United~~
States Code, Section 853.

Pursuant to Title 21, United States Code, Section 853, upon conviction of one or more of
the controlled substance offenses alleged in Counts One and Two, the defendants,

**[1] BENIGNO HERNANDEZ-CLANDER,
[2] PEDRO HERNANDEZ-UBIERA,
[3] FRANCISCO MERCEDES,**

shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense(s), including but not limited to:

1. \$170,113.00 USD;
2. \$51.00 USD; and
3. \$200.00 USD;

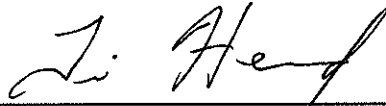
If any of the forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

ROSA EMILIA RODRIGUEZ-VELEZ
United States Attorney


TRUE BILL



for: **JOSE A. RUIZ-SANTIAGO**
Assistant United States Attorney
Chief, Criminal Division

FOREPERSON

Date: 31 MAY 2012



TIMOTHY HENWOOD
Assistant United States Attorney
Chief, Narcotics Unit



JUSTIN R. MARTIN
Assistant United States Attorney